

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS OF  
COUNTY SANITATION DISTRICT NO. 5  
HELD AT THE OFFICE OF THE DISTRICT  
VIA TELECONFERENCE

January 18, 2023  
1:30 o'clock, P.M.

The Board of Directors of County Sanitation District No. 5 of Los Angeles County met in regular session via teleconference.

There were present: Chris Pimentel, Alternate Director from El Segundo  
Tasha Cerda, Director from Gardena  
Alex Monteiro, Alternate Director from Hawthorne  
Robert Pullen-Miles, Director from Lawndale  
James Gazeley, Alternate Director from Lomita  
Steve Napolitano, Director from Manhattan Beach  
Jim Roos, Director from Palos Verdes Estates  
Barbara Ferraro, Director from Rancho Palos Verdes  
Nils Nehrenheim, Alternate Director from Redondo Beach  
Britt Huff, Director from Rolling Hills Estates  
George Chen, Director from Torrance  
Janice Hahn, Director from Los Angeles County

Absent: Albert Vera, Director from Culver City  
James T. Butts, Director from Inglewood  
Paul Krekorian, Director from Los Angeles City  
Jeff Pieper, Director from Rolling Hills

Also present: Kimberly S. Christensen, Secretary to the Board  
Wes Beverlin, District Counsel

Upon motion of Director Gazeley, duly seconded and unanimously carried by a roll-call vote, Director Chen was elected Chairperson pro tem.

RE: PUBLIC COMMENT The Chairperson pro tem announced this was the time for any questions or comments by members of the public.  
There were no public comments or questions to address the Board on any matters.

RE: DIRECTOR FROM CITY OF CULVER CITY A certificate from the City Clerk of the City of Culver City was presented to the Secretary stating that at a meeting of the City Council held December 12, 2022, Mr. Albert Vera was elected Mayor of the City of Culver City, which is the designation of the presiding officer of the governing body of that city and automatically places Mr. Vera on this Board.

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, the certificate was accepted and ordered filed.

RE: DIRECTOR FROM CITY OF LOMITA A certificate from the City Clerk of the City of Lomita was presented to the Secretary stating that at a meeting of the City Council held December 6, 2022, Mr. Barry Waite was elected Mayor of the City of Lomita, which is the designation of the presiding officer of the governing body of that city and automatically places Mr. Waite on this Board.

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, the certificate was accepted and ordered filed.

RE: DIRECTOR FROM CITY OF RANCHO PALOS VERDES A certificate from the City Clerk of the City of Rancho Palos Verdes was presented to the Secretary stating that at a meeting of the City Council held December 6, 2022, Ms. Barbara Ferraro was elected Mayor of the City of Rancho Palos Verdes, which is the designation of the presiding officer of the governing body of that city and automatically places Ms. Ferraro on this Board.

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, the certificate was accepted and ordered filed.

RE: ALTERNATE DIRECTOR  
FROM CITY OF RANCHO PALOS VERDES

A copy of an action taken by the City Council of the City of Rancho Palos Verdes at a meeting held December 20, 2022 was presented to the Secretary stating that

Mr. John Cruikshank, a member of the City Council of the City of Rancho Palos Verdes, was appointed to serve as alternate Director from the city.

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, the action was accepted and ordered filed.

RE: MINUTES

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, the minutes of

the regular meeting held November 16, 2022, were approved.

RE: DISTRICT EXPENSES

The following expenses for the months of September and October 2022 were presented and upon motion of Director

Monteiro, duly seconded and unanimously carried by a roll-call vote, were approved:

Local District Expenses:

Operations & Maintenance \$ 10,988.26

Allocated Operations & Maintenance Expenses:

Technical Support (36.56)

Joint Facilities (2,794,012.45)

Total Expenses \$(2,783,060.75)

RE: RESOLUTION PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ON MARCH 4, 2020 BY CALIFORNIA GOVERNOR AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY - ADOPT

A proposed Resolution of the Board of Directors of the County Sanitation District No. 5 of Los Angeles County Proclaiming a Local Emergency, Ratifying the Proclamation of a State of Emergency on March 4, 2020 by California Governor and Authorizing Remote Teleconference Meetings of the Legislative Body, was presented. Remote teleconferenced meetings, during the continued existence of the Governor's proclaimed state

of COVID-19 emergency, will be conducted under the provisions of AB 361 which added California Government Code Section 54953(e), to the Brown Act. Under the provisions of AB 361 and Government Code Section 54953(e), each District must adopt, by majority vote, a resolution making certain findings about the continuing COVID state of emergency and health and safety risks of conducting their meeting in person. By statute, this Resolution and its referenced findings, are only legally valid for 30 days. The Resolution was attached to the agenda. A recommendation was made to adopt the Resolution.

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, the following Resolution was adopted:

RESOLUTION OF THE BOARD OF DIRECTORS OF THE COUNTY SANITATION DISTRICT NO. 5 OF LOS ANGELES COUNTY PROCLAIMING A LOCAL EMERGENCY, RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY ON MARCH 4, 2020 BY CALIFORNIA GOVERNOR AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE LEGISLATIVE BODY

WHEREAS, County Sanitation District No. 5 of Los Angeles County ("District") is committed to preserving and nurturing public access and participation in meetings of the District's Board of Directors and committees; and

WHEREAS, all meetings of the District's Board of Directors are open and public, pursuant to the requirements of the Ralph M. Brown Act (California Government Code Sections 54950-54963) (the "Brown Act"), so that any member of the public may attend, participate, observe and watch the District's Board of Directors conduct business; and

WHEREAS, the Brown Act, Section 54953(e), allows for conducting and participating in meetings by members of a legislative body, without compliance with the requirements of the Brown Act Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition under the Brown Act Section 54953(e) is the declaration of a state of emergency by the Governor pursuant to California Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within California caused by the conditions outlined and described in California Government Code Section 8558; and

WHEREAS, a proclamation of a state of emergency is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District's boundaries, caused by natural, technological, or human-induced disasters; and

WHEREAS, it is further required that the state or local officials have imposed or recommended measures to promote social distancing, or the Board of Directors of the District have held a meeting where it considered and determined that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, such conditions now exist in the District as Governor Newsom declared a State of Emergency on March 4, 2020 as a result of the threat of COVID-19; and

WHEREAS, the County of Los Angeles Department of Public Health Order of the Health Officer issued September 22, 2022 (the "County Order") includes recommendations for the protection of person with elevated risk factors for severe health outcomes due to COVID-19 infection; and

WHEREAS, the District's Board of Directors does hereby find that the ongoing and significant risks associated with COVID-19 infection, especially in the absence of capacity limits and physical distancing requirements for indoor activities, on those individuals with underlying health conditions that make them susceptible to severe COVID-19 illness and individuals who are not and cannot be vaccinated, and that COVID-19 infection remains a significant health hazard to all residents, , and desires to proclaim a local emergency and ratify the proclamation of a state of emergency by the Governor of the State of California, and further, ratify the County Order findings related to the ongoing health hazards of COVID-19; and

WHEREAS, as a consequence of the declared state of emergency and the local emergency, the Board of Directors of the District does hereby find that the District shall continue to conduct its meetings in accordance with the provisions and requirements of the Brown Act Section 54953(e), and that the legislative bodies of the District shall comply with the requirements to provide the public with access to, and an opportunity to comment at all meetings of the District's legislative bodies in accordance with the requirements of the Brown Act Section 54953(e)(2); and

WHEREAS, the District will continue its practice of live streaming its meetings via the Zoom software platform which allows members of the public to observe and participate in the meetings via video or call-in options, and will continue to offer members of the public an opportunity to make oral comments during the meetings and/or submit written comments before the meetings.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF COUNTY SANITATION DISTRICT NO. 5 OF LOS ANGELES COUNTY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true, correct, and are incorporated in this Resolution by reference.

Section 2. Proclamation of Local Emergency. The Board of Directors of the District does hereby proclaim that a local emergency now exists throughout the territory of the District and, as described in the County Order, recommendations from health officers include ongoing masking, and social distancing practices especially indoor settings and particularly for individuals who, due to vaccine status or underlying health conditions, continue to be at risk for sever illness, and COVID-19 infection remains a significant health hazard to all residents of the District.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The District's Board of Directors hereby ratifies the Governor of the State of California's Proclamation of a State of Emergency, effective as of its issuance date of March 4, 2020.

Section 4. Remote Teleconference Meetings. The Chief Engineer and General Manager, staff and legislative bodies are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, without limitation, conducting open and public meetings in accordance with the Brown Act Section 54953(e) and all other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of 30 days after the date of this resolution, or such time that the District's Board of Directors adopts a subsequent resolution in accordance with the Brown Act Section 54953(e)(3) to extend the

time during which the legislative bodies of the District may continue to teleconference without compliance with the requirements of the Brown Act Section 54953(b)(3).

PASSED AND ADOPTED by the Board of Directors of County Sanitation District No. 5 of Los Angeles County this 18<sup>th</sup> day of January 2023 by the following vote:

AYES: Twelve (12)

NOES: None

ABSTAIN: None

ABSENT: Four (4)

RE: FACILITIES PLANNING  
ANNEXATION FEE RATE  
ORDINANCE - ADOPT  
FIND EXEMPT FROM CEQA

*An Ordinance Prescribing Fees for the Annexation of Territory to County Sanitation District No. 5 of Los Angeles County (Ordinance)* was presented for the Board’s consideration. Properties outside the jurisdictional boundary of the District must be annexed to the

District before sewerage service can be provided. The cost of processing the annexation application is borne by the applicant pursuant to the District’s existing Master Annexation Fee Ordinance and Annexation Fee Rate Ordinance (Existing Ordinances), both adopted in 2007, according to a tiered acreage-based approach. However, this method results in inequities in certain circumstances. Furthermore, the cost to process an annexation application does not vary significantly between a large or small property. The proposed ordinance, which is attached, supersedes the Existing Ordinances and establishes a flat fee of \$2,000 per annexation application, which is more equitable and representative of the actual cost to process each annexation. In October 2022, the Personnel Committee, comprised of the Chairs of all active Districts, unanimously endorsed the proposed ordinance; and in November 2022, the proposed ordinance was introduced to the Board. This item is consistent with the Districts’ Guiding Principles of commitment to continual improvement; and commitment to fiscal responsibility and prudent financial stewardship.

Notice of the public hearing on the proposed Ordinance was published twice in *The Daily Breeze*, a daily newspaper. A recommendation was made to the Board that a public hearing be conducted and, thereafter, the proposed Ordinance be adopted. A copy of the Ordinance accompanied the agenda.

This being the time and place set by District staff for a public hearing on the proposed Ordinance, the Chairperson pro tem opened the public hearing. In response to the Chairperson pro tem’s question, the Secretary reported that no telephone calls, correspondence, or other public input was received by the District. The Chairperson pro tem announced that this was the time for any presentations by members of the public. There being none, the Chairperson pro tem closed the public hearing.

Upon motion of Director Monteiro, duly seconded and unanimously carried by a roll-call vote, an *Ordinance Prescribing Fees for the Annexation of Territory to County Sanitation District No. 5 of Los Angeles County (Ordinance)*, to become effective February 17, 2023, was adopted by the following vote:

AYES: Directors Pimentel, Cerda, Monteiro, Pullen-Miles, Gazeley, Napolitano, Roos, Ferraro, Nehrenheim, Huff, Chen, and Hahn

NOES: None

ABSENT: Directors Vera, Butts, Krekorian, Pieper

ABSTAIN: None

*An Ordinance Prescribing Fees for the Annexation of Territory to County Sanitation District No. 5 of Los Angeles County*, was adopted. Furthermore, the Board found that adoption of the Ordinance is exempt from the California Environmental Quality Act (CEQA) under Section 15273 of State Guidelines for Implementation of CEQA on the basis that CEQA does not apply to the modification of rates or other charges by the District which are for the purpose of meeting operating expenses necessary for the District to provide services such as annexation, as reported to the Board of Directors by the Chief Engineer and General Manager and as reflected in the official minutes of the District on file at the office of the District.

Upon motion of Director Monteiro, duly seconded and unanimously carried, the meeting adjourned.

*George Chen*  
GEORGE CHEN  
Chairperson pro tem

ATTEST:

*Kimberly S. Christensen*  
KIMBERLY S. CHRISTENSEN  
Secretary

/ee